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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a corporation;

Plaintiff

v.

RENE VIDES, an individual; SONIA
CARDOZA-CASTILLO, an individual;
TONYA LISAMARIE AGUILAR, an
individual; DAVID TYLER AGUILAR, an
individual; KAILEY MARIE AGUILAR, an
individual; WELL CARE PHARMACY
LIEN SERVICES, LLC, a Nevada limited
liability company; SUNRISE HOSPITAL
AND MEDICAL CENTER, LLC, a Delaware
limited liability company; SEVEN HILLS
SURGERY CENTER LLC, a Nevada limited
liability company; LAS VEGAS
RADIOLOGY, LLC, a Nevada limited
liability company; VEGAS MEDICAL
CENTER PLLC, a Nevada NT7 Business
License General Partnership; FREMONT
EMERGENCY SERVICES (MANDAVIA),
LTD, a Delaware limited company; LYONS
PHYSICAL THERAPY LLC, a Nevada
limited liability company; EPION
INSTITUTE FOR SPINE AND JOINT PAIN
LLC, a Nevada limited liability company; and
VALLEY ANESTHESIOLOGY
CONSULTANTS (BECKETT) PLLC, a
Nevada professional limited liability
company;

Defendants.

Case No.: 2:20-cv-00236-GMN-NJK

**STIPULATION AND ORDER TO
DEPOSIT INTERPLEADER FUNDS**

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STIPULATION AND ORDER TO FILE FIRST AMENDED COMPLAINT

Plaintiff State Farm Mutual Automobile Insurance Company (“State Farm”) and Defendant TONYA LISAMARIE AGUILAR hereby stipulate and agree that, with the approval of this Court, State Farm be authorized to file a First Amended Complaint as follows:

RECITALS

1. On February 3, 2020, State Farm filed its Complaint.¹
2. In this Complaint, State Farm brought claims for Declaratory Relief and Interpleader.²
3. State Farm named every individual or entity known or believed to have a claim against any potential proceeds obtained by Tonya Lisamarie Aguilar, Kailey Marie Aguilar, and David Tyler Aguilar (the “Claimants”) as a result of a motor vehicle accident.
4. On June 15, 2020 the Parties filed a Stipulation and Order to File First Amended Complaint. Therein, the Parties sought authority to (a) file a First Amended Complaint; and (b) deposit \$30,000.00 with the registry of the Court consistent with 28 U.S.C. § 1335.³
5. On June 16, 2020 this Court entered an Order granting in part and denying in part the Parties’ Stipulation and Order to File First Amended Complaint.⁴ This Order authorized the filing of the First Amended Complaint, and otherwise denied the motion pursuant to LR IC 2-2(b) (“Document Events”) without prejudice to refile.⁵
6. In the First Amended Complaint attached to the Stipulation and Order to File First Amended Complaint, State Farm asserts an additional jurisdictional ground via 28 U.S.C. § 1335, which provides in part:

§ 1335. Interpleader

- (a) The district courts shall have original jurisdiction of any civil action of interpleader or in the nature of interpleader filed by any person, firm, or corporation, association, or society having in his or its custody or possession money or property of the value of \$500 or more, or

¹ ECF No. 1

² *Id.* at 12-16.

³ ECF No. 31.

⁴ ECF No. 32.

⁵ *Id.*

1 having issued a note, bond, certificate, policy of insurance, or other instrument of value or
 2 amount of \$500 or more, or providing for the delivery or payment or the loan of money or
 3 property of such amount or value, or being under any obligation written or unwritten to the
 4 amount of \$500 or more[.]⁶

5 7. To acquire jurisdiction pursuant to 28 U.S.C. § 1335, “a “stake “ or “res” must
 6 exist that is “under the control of the person bringing the lawsuit so as to be deliverable to the
 7 registry of the court.”⁷

8 8. The Local Rules of Practice of the United States District Court for the District of
 9 Nevada require that the party seeking to deposit the funds obtain an order from the Court allowing
 10 the deposit.⁸

11 9. The Parties agree that, pursuant to State Farm 28 U.S.C. § 1335, State Farm should
 12 be authorized to deposit \$30,000.00 with the registry of the Court, and that this is sufficient to
 13 establish jurisdiction over this matter.

14 10. No other parties have thus far appeared in the above-captioned matter.

15 STIPULATION

16 1. Accordingly, subject to this Court’s authorization and approval, the Parties stipulate
 17 and agree as follows:

- 18 a. State Farm is authorized to deposit the contested \$30,000.00 aggregate amount of
- 19 bodily injury liability policy limits at issue with the registry of the Court;
- 20 b. That by depositing the contested \$30,000.00 aggregate amount of bodily injury
- 21 liability policy limits at issue with the registry of the Court, State Farm has satisfied
- 22 the requirements of 28 U.S.C. § 1335, resulting in this Court’s original jurisdiction
- 23
- 24

25 ...


26 ⁶ 28 U.S.C. § 1335.

27 ⁷ *Nevada v. Pioneer Companies, Inc.*, 245 F. Supp. 2d 1120, 1125 (D. Nev. 2003); *see also Kitzer v. Phalen Park*
State Bank of St. Paul, 379 F.d 650 (8th Cir. 1967); *Smith v. Widman Trucking & Excavating Inc.*, 627 F.2d 792 (7th
 28 Cir. 1980).


⁸ LR II 67-1.

over the above-captioned matter.

**KRAVITZ, SCHNITZER & JOHNSON,
CHTD.**

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IT IS SO ORDERED.

DATED: June 18, 2020


United States Magistrate Judge

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